CUSTOMER NO.: 24737

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)	Examiner: G. DISTEFANO
P. MAAS	)	
	)	Art Unit: 2175
Serial No.: 10/580,501	)	
	)	Confirmation: 2333
Filed: May 23, 2006	)	
	)	
For: **SYSTEM FOR**	)	
DISPLAYING IMAGES	)	
WITH MULTIPLE	)	
ATTRIBUTES	)	
	)	
Date of Examiner's Answer:	)	
December 22, 2010/January 19, 2011	)	
	)	
Attorney Docket No.:	)	Cleveland, OH 44114
NL031427US1 / PKRX 200125US01	)	February 18, 2011

REPLY BRIEF

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

   This Reply Brief is responsive to the Examiner's Answer of December 22, 2010 as amended by the paper of January 19, 2011.

   This Reply Brief replies only to new issues raised in the Examiner's Answer.

   The appellant and the Examiner appear to be in agreement, or at least have no disagreement, concerning Sections (1)-(8) and (11) of the Examiner's Answer.

Regarding Section (9) of the Examiner's Answer, it appears to be substantially identical to the Final Rejection of March 30, 2010, other than the word processing error which deleted about the last four lines of the Examiner's discussion regarding the rejection of claim 7 and the discussion of claims 11 and 14, which were added in the January 19, 2011 paper. There being no significant change in the Grounds of Rejection, Section (9) of the Examiner's Answer does not raise any new issues to which the appellant is entitled to respond.

Section (10) does raise new issues to which the appellant is entitled to and will respond.

Regarding Ground 1, in modern perspective paintings and drawings, lines extending away from the imaging plane are depicted on a diagonal extending toward the vanishing point.

The references cited by the Examiner show that when one wants to scroll in the horizontal or x-direction, one moves the mouse or other input device horizontally along an x-direction and when wants to scroll along a vertical or y-direction, one moves the mouse along the vertical or y-direction. When it comes to scrolling in the dimension extending away from or perpendicular to the display of the viewing screen, typically called the z-axis, the references of record teach against selecting such scrolling by moving the cursor on a diagonal.

It is submitted that in both Allen and Gilligan '942, (US 5,374,942) discussed by the Examiner, moving the cursor on the diagonal will cause concurrent scrolling in both the x- and y-directions. Gilligan '942 is directed to a mouse which would include x- and y-registers. Gilligan '942 is not concerned with the output of the mouse in response to diagonal movement. In the absence of a description to the contrary, it is submitted that the output of the Gilligan '942 mouse in response to diagonal movement will be like the output of the conventional mice – an x-motion component (which causes corresponding x-direction scrolling) and a y-motion component (which causes corresponding y-direction scrolling). This trait is most useful when trying to scroll from a current point to a point which is offset along both the x- and y-axes relative to the current point, i.e., is a point which is displaced diagonally from the current point, more quickly and easily and intuitively.

Rather than moving the mouse in a diagonal direction across the display screen, Allen and Gilligan '942 each use a different convention to scroll along the z-axis. Specifically, Allen uses a separate slider bar 33 to scroll in the z-direction. Gilligan '942 scrolls in the z-direction by moving the mouse in circles or substantially in circles, rotating one direction to move in one direction along the z-axis and rotating in the other direction to move in the other direction along the z-axis.

The Examiner refers to column 12, lines 62-68 of Gilligan '229 (US 5,313,229). It should be noted that Gilligan '229 is not listed in Section (8) as evidence relied upon by the Examiner. The Examiner asserts that when Gilligan '229 states that the user can draw a circle "or any other similar figure" that such other similar feature includes a diagonal line. First, Gilligan '229 calls for a similar figure. A line is not a figure. In geometry, figures are two- or three-dimensional, and a line is one-dimensional. Second, it is submitted that in Gilligan '229, if one were to move the cursor on a diagonal, one would scroll concurrently in the x- and y-directions. Third, it is submitted that a figure similar to a circle would be a figure that approximates a circle which, it is submitted, a straight-line does not do.

Although the Examiner mentions the Declaration/Affidavit of Dr. Maas, the Examiner does so by quoting exactly from the Final Rejection. Because this quote comes directly from the Final Rejection, it is understood that the appellant is not entitled to argue this point further in the Reply Brief.

Regarding Ground 2, the Examiner first starts by discussing "Calculus, Third Edition" by James Stewart. Stewart is not among the documents listed in Section (8) as evidence relied upon by the Examiner, nor is Stewart used in the rejection of any claim. Stewart reinforces statements made in the Maas Declaration that for users familiar with perspective drawings, it would be intuitive to think of a direction out of the plane of the display screen when viewing a diagonal. Even though a view of perspective images might intuitively associate a diagonal with a direction away from the plane of the display screen, both Allen and Gilligan '229 chose materially different techniques for scrolling along the z-axis.

Gilligan '229, which is directed to a mouse, clearly indicates that it is conventional for the mouse to have an x-register and a y-register which puts out x- and y-components indicative of relative movement along the x-axis and along the y-axis. It is submitted that Gilligan '229 does not disclose removing the ability of the disclosed mouse(s) ability to concurrently output x- and y-components which would indicate concurrent x- and y-scrolling.
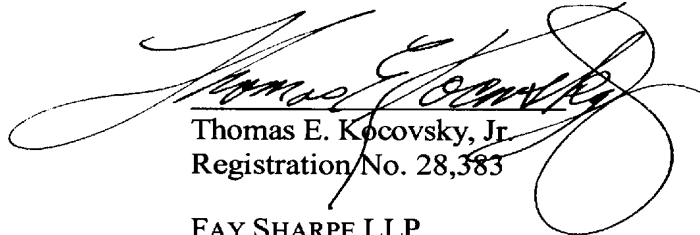
Moreover, if the mouse of Gilligan '229 does not scroll concurrently in the x- and y-directions in response to diagonal movement, then Gilligan '229 would emphasize even stronger that moving the mouse in a diagonal direction to scroll in the z-direction is not obvious. If diagonal movement of the mouse of Gilligan '229 produces no output, i.e., movement in the diagonal direction is available for other purposes such as indicating movement or scrolling along a z-axis, then it if it were obvious to use diagonal movement to scroll along the z-axis, why would Gilligan '229 not use movement along the diagonal to scroll along the z-axis ? Trying to determine if motion connotes a circle is relatively complex and slow to respond. Determining a diagonal movement is much easier and can be determined with much less mouse movement, i.e., more quickly. It is submitted that if movement of the Gilligan '229 mouse along the diagonal axis to scroll in the z-direction were obvious, then Gilligan '229 would have done so instead of the more complex and less intuitive circle drawing to scroll along the z-axis.

CONCLUSION

For the reasons set forth in the Appeal Brief and the additional reasons set forth above, it is submitted that all claims distinguish patentably and unobviously over the references of record.

An early reversal of all rejections is requested.

Respectfully submitted,

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